

Serial No. 10/553,132

2/4

Art Unit 2872

Amendment under 37 C.F.R. § 1.116(c)

there is no statutory bar to the pending application, and objections under 35 USC 103(a) can be overcome by a declaration under 37 CFR 1.131.

It is common sense that an applicant cannot re patent his own work and that a statutory bar exists. The Examiner/Supervisory Patent Examiner cannot reject an application under 35 USC 103(a) using rules that only apply to rejections under 35 USC 102.

Yours sincerely,



Ray Hesline

INVENTOR